

Exhibit ZZZ

[EXTERNAL] RE: JSOAF re Dealers' SJ and CDK's opposition

Fenske, Daniel T. <DFenske@mayerbrown.com>

Fri 8/14/2020 11:14 AM

To: Wedgworth, Peggy <pwedgworth@milberg.com>; Miller, Britt M. <BMiller@mayerbrown.com>

Cc: SERVICE-EXTERNAL-DMS-MDL <SERVICE-EXTERNAL-DMS-MDL@lists.kellogghansen.com>

Dear Peggy,

We do not believe it is appropriate to ask CDK to identify what specific statements in the JSOAF require a response from the Dealership Counter-Defendants. However, our general position is that the Dealership Counter-Defendants must respond to JSOAF statements that are cited in (1) CDK's Opposition; (2) the sections of other briefs that CDK's Opposition incorporates by reference; (3) the sections of Defendants' Oppositions responding to the sections of Authenticom's Memorandum of Law that the Dealership Counter-Defendants' opening brief incorporated by reference; and/or (4) CDK's Response to the Dealership Counter-Defendants' Statement of Undisputed Material Facts. If a statement in the JSOAF does not meet one of these criteria, we agree that no response from the Dealership Counter-Defendants is necessary.

Regards,

Dan

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From: Wedgworth, Peggy <pwedgworth@milberg.com>

Sent: Monday, August 10, 2020 4:33 PM

To: Miller, Britt M. <BMiller@mayerbrown.com>

Cc: SERVICE-EXTERNAL-DMS-MDL <SERVICE-EXTERNAL-DMS-MDL@lists.kellogghansen.com>

Subject: [EXTERNAL] JSOAF re Dealers' SJ and CDK's opposition

****EXTERNAL SENDER****

Dear Britt,

We have reviewed the Statement of Additional Material Facts in Opposition to MDL Plaintiffs' Motions for Summary Judgment on Defendants' Counterclaims ("JSOAF") filed by CDK and Reynolds on July 28, and have determined that 65 paragraphs of the JSOAF (paragraph numbers set forth below) are neither cited in CDK's Opposition to Dealership Counter-Defendants' Motion for Summary Judgment ("CDK's Opposition"), nor cited in any sections of other briefs which are incorporated by reference in CDK's Opposition. Dealers believe that under Federal Rule of Civil Procedure 56, as well as Local Rule 56.1, they are not required to respond to any factual assertions in the JSOAF which CDK has not referenced as support for its opposition against Dealers.

Please let us know by Thursday, August 13, 2020, whether CDK disagrees with Dealers' position set forth above. Specifically, please inform us if CDK believes that (1) any of these 65 paragraphs are relied on by CDK in its opposition to Dealers' Summary Judgment motion, or that (2) Dealers are required under Rule 56 and/or Local Rule 56.1 to respond to these factual assertions. Otherwise, we will assume you agree with our position above, which will save all parties and the Court any unnecessary analysis.

Paragraph numbers in Defendants JSOAF not asserted in CDK's briefing in opposition to Dealership Class Plaintiffs' Motion for Summary Judgment
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Regards,

Peggy Wedgworth, Esq.

Partner



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